

ITEM#: \_\_\_\_\_  
FISCAL IMPACT: \_\_\_\_\_  
FUNDING SOURCE: \_\_\_\_\_  
ACCOUNT #: \_\_\_\_\_  
BUDGET OPENING REQ'D

**ISSUE:**

S-13-2009 – In-N-Out Subdivision - Amended

**SYNOPSIS:**

Applicant: Satterfield Helm Valley Fair  
Proposal: Final Plat Approval  
Location: 3715 South 2700 West  
Zoning: C-2

**BACKGROUND:**

Gary Hall, representing the property owner, is requesting an amendment to the In-N-Out Subdivision located at 3715 South Constitution Blvd. The purpose for the plat amendment is to vacate the 10-foot public utility easement along the west boundary of the subdivision.

The In-N-Out Subdivision was recorded with the Salt Lake County Recorder's Office in June 2009. As part of the platted subdivision, a 10-foot public utility easement was placed along the west boundary of the lot. The easement was placed on the plat as a standard condition of subdivision approval, not because utilities would need to be located here.

The site plan illustrates a drive-thru canopy that extends into the public utility easement. This canopy is critical to the In-N-Out business because of the drive-thru traffic. Although the building itself does not encroach the easement, the canopy extends approximately 7 feet into this space. Although the utility companies could grant approval to build over the easement, the In-N-Out owners would like to eliminate the easement to avoid potential problems in the future.

Utilities that will serve this lot come from outside the subdivision boundary. The majority of these are located within the public right-of-way to the west. At the present time, there are no utility lines in the easement to be vacated. It should also be noted that there are no utility easements to the north or south of this lot.

**RECOMMENDATION:**

The Planning Commission approved this application.

**SUBMITTED BY:**

Steve Lehman, Current Planning Manager